

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

S.L.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 4:20-CV-00170-BCW
	)	
LONE JACK C-6 SCHOOL	)	
DISTRICT, et al.	)	
	)	
Defendants.	)	

**ORDER**

Before the Court is Defendant Matthew Tarwater’s Motion to Reopen Case File. (Doc. #85). The Court, being duly advised of the premises, and with Plaintiff having filed no objection, grants said motion.

On July 20, 2020, this Court entered an Order of Dismissal upon notification of settlement of the above-captioned matter through the Mediation and Assessment Program. (Doc. #84). The Order of Dismissal provided 45 days for any party to move to re-open the case in the event the settlement agreed upon was not perfected.

On July 22, 2020, Defendant Matthew Tarwater filed the instant motion to reopen the case. (Doc. #85). The motion states “4. [i]t appears that the information the Court received [from the MAP office] may not have been entirely complete with respect to all parties . . . . 6. The Rules pertaining to the MAP event do not allow Dr. Tarwater to provide more details related to the situation in this Motion; and 7. [i]t is now appropriate for the Court to set aside the July 20, 2020 Order of Dismissal in order for the parties may continue pending activities in this case.” (Doc. #85

at 1-2). The motion requests that the Order of Dismissal be set aside “as premature.” (Doc. #85 at 2).

Suggestions in opposition to Dr. Tarwater’s motion to reopen were due on August 5, 2020; none were filed. However, on August 4, 2020, Plaintiff filed an “Unopposed Motion to Reopen Case,” seeking the same relief as that sought in Dr. Tarwater’s motion. (Doc. #88). Plaintiff’s motion indicates the parties mediated this matter on July 15, 2020, and agreed to “dismissal of Defendant Tarwater without prejudice following execution of a signed agreement which was completed on August 3, 2020, to be followed by review by the Board on August 10, 2020, and if approved, a subsequent dismissal with prejudice.” (Doc. #88). Like Dr. Tarwater, Plaintiff asks the Court to reopen this case “[i]n order that the parties may fulfill the agreed terms.” (Doc. #88) at 2).

Suggestions in opposition to Plaintiff’s motion are due on August 18, 2020. Instead of filing any opposition to Plaintiff’s motion, however, Dr. Tarwater filed a “Supplemental Brief in Support of his Unopposed Motion to Reopen Case File.” (Doc. #89). In that filing, Dr. Tarwater states “[i]t is unclear why a second motion to reopen the case file was presented, however, what appears clear is that the parties are all in agreement to re-opening the case file.” (Doc. #89 at 1 n.1).

As noted above, the Court’s Order of Dismissal provided for a period of 45-days for which any party could move to reopen the case in the event the parties’ settlement was not perfected. Both Dr. Tarwater and Plaintiff’s motions were filed within the 45-day period after the Order of Dismissal. Therefore, consistent with the previous Order, in reliance on the parties’ representations that the settlement has not yet been perfected, and because all parties agree the matter should be reinstated, it is the Court’s intent to reopen the case. Accordingly, it is hereby

ORDERED Defendant Matthew Tarwater's Motion to Reopen Case File (Doc. #85) is, with Plaintiff having filed no objection, GRANTED. It is further

ORDERED the Order of Dismissal (Doc. #84) is deemed WITHDRAWN and VACATED. It is further

ORDERED Plaintiff's motion to reopen the case is DENIED AS MOOT as filed subsequent to Dr. Tarwater's motion and seeking the same relief.

IT IS SO ORDERED.

DATED: August 18, 2020

/s/ Brian C. Wimes  
JUDGE BRIAN C. WIMES  
UNITED STATES DISTRICT COURT